

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

MELVIN JONES, JR., ) 1:05-cv-0148 OWW DLB  
Plaintiff, )  
v. ) SUPPLEMENTAL SCHEDULING  
JOHN HOLLENBACK, et al., ) CONFERENCE ORDER  
Defendants. )  
\_\_\_\_\_  
)

I. Date of Scheduling Conference.

March 2, 2006.

II. Appearances Of Counsel.

Melvin Jones, Jr., appeared pro se.

McCormick, Barstow, Sheppard, Wayte & Carruth by Daniel Wainwright, Esq., appeared on behalf of Defendant John Hollenback.

McCormick, Barstow, Sheppard, Wayte & Carruth by William Littlewood, Esq., appeared on behalf of Defendant Leslie Jensen.

III. Motion Schedule.

1. The current motions to dismiss Plaintiff's Second Amended Complaint which have been filed by both Defendants shall be decided on the following schedule.

1           a. The response of Plaintiff is due on or before  
2 March 27, 2006. The Defendants' reply to Plaintiff's response is  
3 due April 3, 2006.

4           b. Defendants shall have to and including March 16,  
5 2006, to file any opposition to the purported filing of a Third  
6 Amended Complaint by the Plaintiff.

7           c. The Plaintiff shall have until on or before March  
8 27, 2006, to respond to any objections to the Third Amended  
9 Complaint.

10          d. All motions shall be heard on April 17, 2006, at  
11 10:00 a.m. in Courtroom 3.

12          2. There is currently set for hearing on March 27, 2006,  
13 before this Court, a motion to recuse Magistrate Judge Beck and a  
14 motion for protective order.

15          3. After discussion among the parties, it is agreed:

16           a. The Plaintiff will voluntarily take the motion for  
17 protective off calendar for hearing on March 27, 2006, without  
18 prejudice to renewing that motion.

19           b. On or before March 9, 2006, Plaintiff will  
20 determine whether the recusal motion addressed to the Magistrate  
21 Judge is properly set before the District Court or in the  
22 Magistrate Judge court. At that time, if it is determined that  
23 the proper forum for the hearing of that motion is the District  
24 Court, the recusal motion will also be heard on April 17, 2006,  
25 at 10:00 a.m. in Courtroom 3. Any opposition to the motion shall  
26 be filed by April 3, 2006.

27           c. In the event that the proper place for hearing of  
28 the Magistrate Judge recusal motion is before the Magistrate

1 Judge, Plaintiff will contact the Courtroom Deputy Clerk for the  
2 Magistrate Judge and arrange a hearing date for the recusal  
3 motion.

4 4. The current trial date and remaining schedule for this  
5 case is hereby vacated.

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7 SO ORDERED.

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9 DATED: March 2, 2006.

10 /s/ OLIVER W. WANGER

11 \_\_\_\_\_  
12 Oliver W. Wanger  
UNITED STATES DISTRICT JUDGE

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